

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**SHANNON REEVES**

**PLAINTIFF**

**VS.**

**CAUSE NO. 1:04CV340-D-D**

**LEE COUNTY SHERIFF'S DEPARTMENT;  
LEE COUNTY SHERIFF, JIM H. JOHNSON  
INDIVIDUALLY AND IN HIS OFFICIAL  
CAPACITY AS SHERIFF OF LEE COUNTY, MS;  
SCOTT SPEAKES, ROBBY GWIN, JASON STANFORD,  
GARY DODDS, DANNY DILLARD, AND JOHN DOES ONE,  
TWO, THREE, INDIVIDUALLY AND IN THEIR OFFICIAL  
CAPACITY AS DEPUTIES OF LEE COUNTY,  
MISSISSIPPI**

**DEFENDANTS**

**SEPARATE ANSWER OF DANNY DILLARD TO  
SECOND AMENDED COMPLAINT**

COMES NOW Defendant Danny Dillard (hereinafter "Defendant") and, for answer to the Second Amended Complaint in this cause (hereinafter "The Complaint"), and state as follows:

**FIRST DEFENSE**

In answer to the specific allegations of the complaint, paragraph by paragraph, defendant states as follows:

-1-

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the complaint.

-2-

Defendant admits the allegations of paragraph 2 of the complaint.

-3-

Defendant admits the allegations of the first sentence of paragraph 3 of the complaint. Defendant denies the remaining allegations of paragraph 3.

-4-

Defendant admits that Scott Speakes is an adult resident citizen of Lee County, and that at the time of the alleged events set forth in the complaint Speakes was employed as a duly appointed deputy sheriff of Lee County. Defendant denies the remaining allegations of paragraph 4 of the complaint.

-5-

Defendant admits that Robby Gwin is an adult resident citizen of Lee County, and that at the time of the alleged events set forth in the complaint Gwin was employed as a duly appointed deputy sheriff of Lee County. Defendant denies the remaining allegations of paragraph 5 of the complaint.

-6-

Defendant admits that Jason Stanford is an adult resident citizen of Lee County, and that at the time of the alleged events set forth in the complaint Stanford was employed as a duly appointed deputy sheriff of Lee County. Defendant denies the remaining allegations of paragraph 6 of the complaint.

-7-

Defendant admits that Gary Dodds is an adult resident citizen of Lee County, and that at the time of the alleged events set forth in the complaint Dodds was employed as a duly appointed deputy sheriff of Lee County. Defendant denies the remaining allegations of paragraph 7 of the complaint.

-8-

Defendant admits that Danny Dillard is an adult resident citizen of Lee County, and that at the time of the alleged events set forth in the complaint Dillard was employed as a duly appointed deputy sheriff of Lee County. Defendant denies the remaining allegations of paragraph 8 of the complaint.

-9-

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9 of the complaint.

-10-

Defendant admits that venue is proper in this district and that defendants are residents of the district for venue purposes. Defendant admits that this court has jurisdiction under 28 U.S.C. §§1331 and 1343 to hear an action brought under the other statutes and constitutional provisions referred to in paragraph 10 of the complaint. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 10.

-11-

Defendant admits that the plaintiff was arrested without a warrant on July 2, 2003 and charged with resisting arrest, disorderly conduct, and possession of paraphernalia, and that the charges were later dismissed. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of the second, third, and fourth sentences of paragraph 11 of the complaint. Defendant denies the remaining allegations of paragraph 11 of the complaint.

-12-

Defendant denies the allegations of paragraph 12 of the complaint.

-13-

Defendant denies the allegations of paragraph 13 of the complaint.

-14-

Defendant denies the allegations of paragraph 14 of the complaint.

-15-

Defendant denies the allegations of paragraph 15 of the complaint.

-16-

Defendant denies the allegations of paragraph 16 of the complaint, including subdivisions (A)-(H) thereof.

-17-

Defendant denies the allegations of paragraph 17 of the complaint.

-18-

Defendant denies the allegations of paragraph 18 of the complaint.

-19-

Defendant denies the allegations of paragraph 19 of the complaint.

-20-

Defendant denies the allegations of paragraph 20 of the complaint.

-21-

Defendant denies the allegations of paragraph 21 of the complaint.

**SECOND DEFENSE**

The complaint fails to state a claim upon which relief can be granted.

**THIRD DEFENSE**

Defendant in his individual capacity is immune from suit and liability in that his alleged actions did not violate clearly established constitutional rights of which a reasonable officer would have been aware.

AND NOW, having answered the allegations of the complaint, defendants deny that the plaintiff is entitled to damages of any type or in any amount, or costs, or attorneys fees, or to any other relief whatsoever.

Respectfully submitted, this the 9<sup>th</sup> day of August, 2005.

**ROBBY GWIN, Defendant**

**BY: /s/ William C. Murphree  
WILLIAM C. MURPHREE, MSB #3661  
MICHAEL CHASE, MSB #5969  
GARY CARNATHAN, MSB #5878**

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**CERTIFICATE OF SERVICE**

I, William C. Murphree, one of the attorneys for Defendant Robby Gwin, certify that I have this day served a true and correct copy of the above and foregoing Answer on counsel for Plaintiff, Edward P. Connell, Jr. by ECF.

This the 9<sup>th</sup> day of August, 2005.

/s/ William C. Murphree  
WILLIAM C. MURPHREE